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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,509	10/01/2003	Allegra A. May	69506	8548
25702	7590	04/04/2006		
SCOTT C. RAND, ESQ. MCLANE, GRAF, RAULERSON & MIDDLETON, PA 900 ELM STREET, P.O. BOX 326 MANCHESTER, NH 03105-0326			EXAMINER HARRIS, CHANDA L	
			ART UNIT	PAPER NUMBER
			3715	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/676,509		MAY, ALLEGRA A.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Chanda L. Harris		3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Status of Claims***

In response to the Amendment filed 6/10/05, Claims 1-36 are pending.

### ***Allowable Subject Matter***

The indicated allowability of claims 4-5, 8-11, 16, 21-23, and 26 is withdrawn in view of the newly discovered reference(s) to Blume (US 2004/0023200). Rejections based on the newly cited reference(s) follow. Examiner regrets the delay in the citation of this rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 30-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims to computer programs (i.e., a markup language document) per se are not statutory subject matter. On the other hand, a claim to a computer-readable medium encoded with a computer program (i.e., markup language document) is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-14 and 16-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel (US 6,442,523) in view of Blume (US 2004/002300). The rejections by Siegel from the previous office actions are maintained and is incorporated herein by reference.**

Regarding the amendments to Claims 1, 8, 17-20, 24-25, and 27-30, Siegel discloses a digital recording of said word for playback and an HTML page comprising an embedded web object, said embedded web object for playing said digital recording of said word for playback. See Col.19: 17-27 and FIGS. 11-13. A memory for storing said digital recording would have been an inherent feature of Siegel's invention. Siegel discloses a rollover region (i.e., word) on the display screen associated with said word for playback and defined at a position on the display screen selected from a position overlapping a position of said word and a position visually associated with said word, said rollover region configured to cause audible playback of said word in said first language when at least apportion of the cursor is moved over the rollover region. See Col.19: 17-19.

Siegel does not disclose expressly an on-screen object selectable with said pointing device and associated with said word displayed on said display screen and an on-screen object configured to trigger audio playback of said displayed word in a second language different from the first language. However, Blume teaches such on p.1, [0020]: "The output may be a spoken representation of words on the page, a *spoken translation of the words on the page*, a spoken definition of words or symbols on the page ..." and on p.2, [0024]: "The user simply drags the stylus over the words on the page 24 to prompt the output device 16 to audibly broadcast each word at whatever pace the user desires". Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation

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into the method and system of Siegel, in light of the teaching of Blume, in order to provide for an enhancement to textual information.

Regarding the amendment to Claims 4 and 11, Siegel discloses wherein said language instruction program is a web-based language instruction program. See Col.17: 29-65.

Regarding Claim 16, Siegel does not disclose expressly a region defined by a rectangular box equal in size to and enclosing said word; and a region defined by a rectangular box with top and side boundaries that are aligned with the top and sides of said word and a bottom boundary that extends a predetermined number of pixels below the bottom of said word.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to define a region as claimed in Claim 16 because Applicant has not disclosed that a region as defined in Claim 16 provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Siegel's mouse-over regions, and applicant's invention, to perform equally well with either the regions in Siegel's inventions or the claimed regions in Claim 16 as both regions would perform the same function of providing feedback to the user equally well.

Therefore, it would have been prima facie obvious to modify Siegel to obtain the invention as specified in Claim 16 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Siegel.

**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel/Blume as applied to claim 1 above, and further in view of Hull (US 5,919,046).**

Regarding Claim 15, Siegel/Blume does not disclose expressly wherein the pointing device is a transparent touch screen overlaying said display screen. However, Hull teaches such in Col.2: 41-50. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate wherein the pointing device is a transparent touch screen overlaying said display screen into the method and system of Siegel/Blume, in light of the teaching of Hull, in order to enable input on the screen by a person's finger.


#### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. See rejection above. This action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Chanda L. Harris  
Primary Examiner  
Art Unit 3715